

COUNCIL WORK MINUTES
MARCH 19, 2014

The City Council held a meeting on Wednesday, March 19, 2014, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Fred Rowley; Don Marchant.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Marshal Mike Phillips; Street Superintendent Jeff Hunter Leisure Services Director Dan Rodgers; Public Works Director Ryan Marshall.

OTHERS PRESENT: Rusty Aiken, John R. Westwood, Sharon Wasden, Rich Gillette, Michael Cooper, Riley Heyborne, Lindsay Ames, Kent Mitchell, Shannon Avance, Luis Jimenez, Chloe Crockett, Gordon R. Staker, Devon Henrie, Landon Barrick, Shay Bauman, Tiffany Bettencourt, Dean Levie, Talon Kartchner, Evan Vickers, Kaleigh Bronson, Holly Combs, Tracie Sullivan, Doug Hall, Tom Jett.

CALL TO ORDER: Pastor Michael Cooper of Sonrise Christian Fellowship Church gave the opening prayer; the pledge of allegiance was led by Fire Marshal Mike Phillips.

AGENDA ORDER APPROVAL: Councilmember Black moved to approve the agenda order; second by Councilmember Marchant; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Marchant – recently Airport Staff and Operation received a special award. The Utah Airport Operators Association awarded Cedar City Airport the 2013-14 Airport of the Year for the State of Utah. A pat on the back goes to Russ Volk and his staff. ■Rowley – 300 East 400 South, there is a 30 inch drop that goes into a narrow slot, a bike could end up in there, are there modifications that can be made? Kit – we will look at it. ■Mayor Wilson – I attended a flash over training last week, we need to thank the men in uniform, the Fire Department for what they do and the risk, the training gave me a whole different perspective. ■Paul Bittmenn – on March 6th we had a problem with sewer lines backing up into two homes. We are getting some good numbers on the costs. Can we bring that with better numbers next week? Yes. ■ Youth City Council Report – Kaleigh Bronson, Youth Administrator, and Louis Jimenez, Youth Council Member: Kaleigh - every year we have a Community Youth Night with the high schools. We have had it at Aquatic Center in the past and it has been unsuccessful, we have rented the Historic Downtown Theatre this year. We reviewed the budget and have a few questions and matters. We need to have the activity approved. Can we hold the activity? Yes. The City Youth Council would like to have Facebook, twitter, etc. to promote our activities; we would like to have this approved before we expand these enterprises. This is ok. Previously Nina Barns was our Councilmember representative, we would like to have someone to report to on the Council. Mayor Wilson will get back to them on that

assignment. Rowley – where do you get your funding? Shannon Avance – from the City budget, I am not sure how that will work either. We have funding for the current activities. Rowley – what is typically budgeted? Shannon - \$2,000 a year.

PUBLIC COMMENTS: ■ Black – before you start, I want to say thank you from the community for your work. Legislative Report – Representative Westwood: I want to thank you for all of your help and understanding. I would fire off emails and you were very responsive. I had good support and appreciate our community. When we had to put the full court press for the SWATC and Utah Summer Games (USG), and Shakespeare you were very responsive and testified and met with key leadership. The Commissioners were also very involved and we were able to get funding. By the end of the session I was exhausted. The last days are long days. It is important to have experience up there with Senator Vickers, he served the House of Representatives four years and two years in the Senate. I had a person tell me that everything headed at the right time. I can say it was a team effort because people from the community came up and testified and were involved. The experience I had there and took into the legislative session from having set in your chairs was invaluable to me. Without have the experience of working with people and knowing rules of order it would be difficult. I feel good about what we were able to accomplish. \$19.3 million for SWATC is a huge amount for Cedar City and it helped to have the Mayor up there to let them know the property was ready to go. Long session with many bills with over 1000 introduced, 786 numbered and 486 passed. It was a lot of study and homework. Rowley – I was at SWATC yesterday and they are about to cast you two in bronze, they were so appreciative for your work. Westwood – Dana Miller was there and we told him to relax, there was a huge deterrent to the iPads so it was hard to contain him until the end.

Senator Vickers: I told Dana he could take his cot home. I appreciate the Mayor having us come and report. I have been there for 6 years, each session has unique qualities, this year was very distinct from the opening gavel when the speaker went after the Governor to have technology in all the kids' hands. Originally \$300 million, she had not taken into consideration the teacher and infrastructure prep which made it about \$700 million. She also did not go through the proper channel, the appropriation committee and State School Board did not know anything about it. It is a worthy cause and could have disrupted the entire budget. There was some ongoing money. She wanted to take money out of transportation, especially the rural areas because there has been a lot of money spent in Utah County and other areas need to be funded. The budget was different this year. John and I set on Infrastructure and General budget. I was also on Social Services which part comes from my expertise in health care. There is always more needs than money. The decision was made to look at the base budget in more depth to reallocate money and other priorities. Olene Walker threatened to veto the budget when she was the Governor because they did not have a reading program. Typically it is the last year's budget; the theory is good, because if you don't have it all worked out you can pass the base. We got to that and then we can have a special session. Had we done that we would have to fight battles and then allocate. That afternoon we got a break, staff spends the previous week having details so we can pass it and have it Friday and have the weekend to look at it. Saturday the leadership and executive appropriations spent the whole day working on a

budget. The Senate agreed to give the speaker \$30 million to have a pilot program. We need to total up what we spend in technology already. We found it to be a good model, make the money scares and make them race to the money and the schools apply for the money and then you get a higher rate of return. If a school has a project in mind you get a 20/1 return instead of a 1/1 return when you just give them money. The speaker turned that down and it freed up the budget and Southern Utah benefitted from that. We had a lot of projects we need to take care of. The Southern Utah group gets together and sets priorities. I represent a bigger area. We got \$1 million for Dixie State to purchase East Elementary, \$19.3 million for SWATC, \$50,000 in ongoing money for USG and \$185,000 for prairie dog mitigation for Garfield and Iron County \$35 for Garfield \$150 for Iron County that was sponsored by myself and Senator Okerlund. I also received a request that the Shakespearean Festival lost some funding for costume and space so I requested money for that. There is money set aside for each county and it is screened and we were fortunate to get \$50,000 for that. The money for USG is one-time money so we will make the request again next year. Those were the issues and priorities, as we looked through things with Representatives Ipson and Westwood and myself we were able to check every box. Policy wise I was involved with Wild Land fires, Brian Cottam that was with SUU is the new State Forester, we have \$2 million for prevention projects, which saves a lot of money. There are projects in each county, we have one in Brian Head and there is one in each of the rural counties between \$150,000 and \$200,000. If we can treat that ahead of time we minimize the damage. We also look at watersheds and things with the Federal Government. The cities don't pay into the Wild Land Insurance fund but the Counties do. We will be working toward a solution on that, it will be the first type in the western United States. We had policy on public lands, Senator Hinkins and I met with the committee and we took steps forward, specifically with trails and transportation plan on the Dixie National Forest. We are proposing that the State put together a State Transportation Plan to work with the Federal Government, same type of thing on grazing and timber. The Federal Government is required to consider State plans, but we have not had one. I have had discussion on it with Forest personnel. Public Education, WPU was increased by 2.5%, additional money for salaries of 1.25% and additional \$50 million in equity growth and \$7 million in mission based funding. The Board of Regents and Commissioners officer feel we need to bring Universities to certain status and then work from there. SUU has done very well with increasing graduation rates. Dixie and UVU received that money. Many may have heard Senator Ralph Okerlund second to last day we were in meetings, someone came in and said Ralph collapsed in the hall, I ran out and found he is diabetic and Representative Redd and Kennedy did compressions, he had lost pulse, paramedics showed up and he is doing well, it was electrolyte issues. He is doing well. My intern is a young man from SUU, Wallace K Smith's grandson, we had him follow him to the hospital, they took that literal and followed through lights and had two plain clothed officers follow him. There were three prayers offered in the Legislature for him, it was a great feeling. We divided up bills he was the floor sponsor on and got it taken care of. It was a difficult ending that turned out well. The experience is invaluable, to know the people and you know who to call. We appreciate those that came up and were able to get to key people; Paul and Ron were there as well as County Commission and Scott Jolley from the Chamber. A lot of school kids also came. They were key meetings and key times and the report we got back

was the amazement of the support. We had groups from Parowan, Washington and Beaver Counties as well. Mayor – thank you so much for giving us the wrap up. ■Tom Jett – those who knew we had a gentleman in a wheel chair come often, Paul White, he is doing well and said to tell everyone hello. He moved to Washington County. ■Gordon Staker, retired District Manager of BLM. I live on Rountree drive. Rountree Drive I walk the area often, it is enjoyed by a lot of people and when people suggested it as a dog walking area and the City identified a piece of land to be used. On the dike it goes east and west along greens land water shed and as lands become in demand we need to know boundaries and it is by the parking area, if it is developed in a dog area the boundaries need to be clearly marked to be in proper ownership pattern. I have Parkinson's disease and require that I walk quite a bit and concern is that aggressive dogs would upset me when loose. I walk on City streets not expecting the dogs, and I freeze up and I have been chewed up a few times. I encourage enforcement of keeping dogs on leash when outside a fenced yard. I want to complement the City on how well you cleaned the streets on the SE corner, nicest street sweeping job in a long time. We appreciate Mayor Burgess on his work to clean up the old hospital area. We want to enhance that corner of town. ■ Lisa Taylor I have been hired by Chris Stewarts office to bc his eyes and cars in Iron County and I am excited to be able to work with you, the County and SUU, Chris loves Iron County. He introduced an endangered species requesting the prairie dogs be counted on State and private land as well. If it doesn't go it will be introduced again next year.

REQUEST TO HAVE THE BUSINESS LICENSE PENALTY WAIVED – PAPA

JOHN'S PIZZA: Dean Levi, General Manager representing the owner. They wrote the check on Jan 31st and sent it to me with employee pay checks and I didn't realize there was a time on it to be here. I found it a month later and got it in as soon as possible. Renon – the check was written on December 31st. Mr. Levi – it arrived in our store on February 5th. Marchant – if it was with paychecks you would think it would have been found earlier. Mr. Levi – most are on direct deposit so they don't pick up the checks. Black – did you see it when it came in with the checks? Mr. Levi – I did, but I put it away and forgot about it. Rowley – the problem is that it doesn't matter the reason, it still consumes city employee time to get is straightened out. In my opinion the penalty should remain. Black – I agree, everyone feels they have a legitimate reason and I think it would be a disservice if we let it go. Rowley – I went through the same thing with the County last year. Mayor – Renon does the penalty increase again? Renon – yes, on April 1st. Paul – the Council will vote on the item next week.

CONSIDER CHARGING COMMERCIAL BUSINESSES OUTSIDE THE CITY LIMITS THAT ARE CURRENTLY CONNECTED TO THE CITY CULINARY WATER SYSTEM DOUBLE THE CITY NON-RESIDENTIAL RATE OF \$1.00 PER 1000 GALLONS OF WATER. CURRENTLY COMMERCIAL BUSINESSES OUTSIDE THE CITY LIMIT ARE CHARGED THE SAME AS RESIDENCES

AND STOCK WATER CONNECTIONS OUTSIDE THE CITY WHICH IS DOUBLE THE RESIDENTIAL TIER 3 RATE OF \$2.00 PER 1000 GALLONS – RUSTY AIKEN: Rusty Aiken – it has been an over site, there is not a commercial rate for water outside the city limits. There is for residential and stock water. My rates

doubled about a year ago and we are already paying double the rate. I would like you to look at a new commercial rate outside the city limits. Rowley – can someone explain the rate outside the city limits? Kit – residential has a tier structure, commercial rate does not, it is a flat rate. Rowley – how does it compare with the residential tier? Kit – it is a lower rate, livestock is a tier 3 rate of residential which is \$2 per thousand. The ordinance specifically states rates for livestock but not for residential and commercial, but it makes sense that you have a residential connection outside the city you are charged double the rate. It is specific with the livestock rate. There is nothing that specifies commercial. Black – in creating out of the city commercial, what are we talking, double the City's commercial. Kit – yes and it is \$2 per thousand. Paul – the ordinance says we are not to sell water outside the City limits, there is a section for livestock. The way we are not following the ordinance is there is a line up the canyon and we have an agreement with the residential area across from Milts, as well as Milts and Rusty's. Rowley – is this the only area. Paul – we have livestock. Kit – we have 20 outside the city, 10 homes, 2 commercial and the rest are livestock. Rusty – there was a hand written copy of an agreement by Mr. Cox for the connection for Milt's and the residents, there were 6 connections. Paul – I am not advocating getting rid of those, I am not advocating expanding those. Black – does the bladder in the back still work? Rusty – no, there was a chlorinator put in during the 70's. Action.

CONSIDER REQUEST TO MODIFY/REMOVE THE ISLAND IN THE VICINITY OF 647 S. CROSS HOLLOW ROAD IN FRONT OF STONE HAVEN – STACY JONES/SHARON WASDEN:

Sharon Wasden – I want to thank you for your service, I have taught the constitution for 12 years of my life. When we came a few weeks ago, it was not out of a whim, but we noticed a safety hazard and would like to take care of. Councilman Rowley you talk about a ditch that a bike wheel may end up in. The common welfare, the safety of the citizens of the United States is our government's main objective from the smallest citizen that is our only intent. On that road the speed limit is 45, but they drive 50-55. We had a lot of comments so we had to post a sign in our lobby mentioning that we are aware of the problem and we are working to try and solve it. Most think it is our creation of the median.

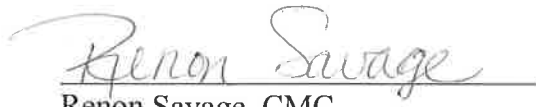
Kit – I provided you a map and cost of the estimate for the U-turn pads that were discussed at the last meeting. It is about \$13,000, the asphalt is the same as the road, it is heavy asphalt so it doesn't fall apart. We could cut it down and cut the cost in half but it will increase the maintenance and would have to be redone when the road is widened. Rowley – this is my thoughts, the mistake we made was not holding the builders feet to the fire when it happened, had we been alert to it I think it would have been a precondition to the construction, the same as having fire hydrants installed, it is not the city's burden to move the hydrant. Had this over site not occurred we would have said you want to put your business in line with an island, for it to be safe you will have to modify the island. Kit – that would have been during the building permit process. Rowley – so I think some of the burden is on your engineer, builder because of the island was there the entire time. Our mistake was not requiring it in the front. Black – I concur with what you are saying, it is unfortunate situation, and there is enough of the situation that everyone shared in not picking up on it in the beginning. It does not negate that it

would have been your cost in the beginning and I feel the cost should be yours. Sharon – we cannot feasibly do that right now, so do we just leave it. Rowley – if we go to taxpayers and say Wal-Mart wants a driveway where there is a power pole and they want you to pay for it, it wouldn't go over well. Marchant – the situation stays the same, but to carry on from this point nothing says there is a must at this time, it is business as usual. Cozzens – I would suggest grading and putting some gravel in the area. Sharon – the City did grade down a little already. Black – we should consider putting in directional arrows. Sharon – can we put a U-turn sign so people don't U-turn into oncoming traffic? Mayor – we will look at signage to see what can be done. Black – a pickup cannot make the turn and if we sign it and they can't make it they have to make a three point turn. Mayor – we will look at several options.

REQUEST TO TRANSFER \$269,396 FROM THE CLASS "C" ROAD FUNDS TO USE IN ROAD MAINTENANCE – RYAN MARSHALL:

Ryan – this is a request to transfer from C-road into street maintenance. We have about \$1.3 million in the C-road fund balance. The weather has given us an opportunity to get some road maintenance done, but we have used our maintenance budget. The request in area 4 there were roads that did not get the maintenance and in area 5 some that we will not get to. Area 4 we need \$60,000 area 5 about \$90,000 and area 6 for next year, it is an older part of town and we think it will require more than proposing in the budget, it will be about \$111,000, we would like to get that into street maintenance so the Street Department can start to work. Jeff Hunter - area 4 is Sunbow and Northfield to 200 North, area 5 is Leigh Hill south, Wal-Mart area, area 6 is east of Main from 300 West to 500 East. On 300 West, we did the area before the storm drain project went in, we then had flooding and the Mayor went after funds to do the storm drain. Marchant – will asphalt be ready for you. Jeff – it would be May 1st before we start. Ryan – we only have about \$50,000 right now. Ryan – also in the proposal, we anticipate that after next year's area 6, the next three years are newer areas and we hope to replace some of the funds. Black – what if it doesn't happen. Ryan – we will also have the South interchange money we won't continue. Jason – if the Council would like to do this we need to have a public hearing that will be posted 10 days. Rick – we will schedule the first week in April. Since Jeff has been brought in the maintenance funds have been used wisely, he and Bart with the Engineer's office have done some good things.

ADJOURN: Councilmember Rowley moved to adjourn at 6:50 p.m.; second by Councilmember Black; vote unanimous.


Renon Savage, CMC
City Recorder